

## Message Text

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ORIGIN PM-04

INFO OCT-01 ARA-06 ISO-00 L-03 INRE-00 CIAE-00 INR-07

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PM/SAS - DJJAMES

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O 102131Z SEP 76

FM SECSTATE WASHDC

TO AMEMBASSY CARACAS IMMEDIATE

INFO SECDEF IMMEDIATE

USCINCSO IMMEDIATE

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E.O. 11652: N/A

TAGS: MASS, VE

SUBJECT: IMPLEMENTATION OF NEW STATUTORY CONDITION OF  
ELIGIBILITY FOR MILITARY ASSISTANCE AND TRAINING

REF: A) STATE 196640 B) CARACAS 10434

1. DEPARTMENT CANNOT AGREE TO DELETING PARAGRAPH 3 FROM  
AGREEMENT REQUIRED BY SECTION 505(A) OF FOREIGN ASSISTANCE  
ACT, AS AMENDED, OR AMENDING SAME AS PROPOSED PARA 2 REFTTEL  
B. EMBASSY SHOULD POINT OUT TO GOV THAT AGREEMENT SOUGHT  
TO BE ACHIEVED BY LANGUAGE IN PARAGRAPH 3 IS REQUIRED BY  
SECTION 505(A)(3) OF THE FOREIGN ASSISTANCE ACT, AS  
AMENDED, AS CONDITION OF ELIGIBILITY FOR MAP AND IMET,  
AND THAT WE ARE EXTREMELY LIMITED IN OUR ABILITY TO DEPART  
FROM SAME.

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2. IT MAY BE USEFUL IN ORDER TO HELP ALLAY GOV CONCERNS

IN THIS REGARD FOR EMBASSY TO PROVIDE GOV WITH FOLLOWING RATIONALE AND FURTHER EXPLANATION RELATED TO PARAGRAPH 3 REQUIREMENT. QUOTE. WITH REGARD TO THE LANGUAGE IN PARAGRAPH 3 OF THE ASSURANCES SOUGHT FROM THE GOVERNMENT OF VENEZUELA WITH REFERENCE TO PERMITTING CONTINUOUS OBSERVATION AND REVIEW BY REPRESENTATIVES OF THE UNITED

STATES GOVERNMENT WITH REGARD TO SUCH SERVICES OR TRAINING, THE EMBASSY NOTES THAT SUCH IS CURRENTLY THE PRACTICE WITH TRAINING AND SERVICES PROVIDED BY THE UNITED STATES GOVERNMENT AND HAS BEEN SINCE THE INAUGURATION OF THE UNITED STATES ASSISTANCE PROGRAM, AS ESTABLISHED IN THE FOREIGN ASSISTANCE ACT OF 1961. THE INTEREST OF THE USG IN OBSERVATION AND REVIEW OF SERVICES AND TRAINING PROVIDED IS AS MUCH TO ASSURE THE EFFICACY OF THAT TRAINING AS TO ASSURE THAT PERSONNEL TRAINED ARE PROPERLY AND EFFECTIVELY UTILIZED. THE LATTER CONCERN HAS BEEN MET BY EFFORTS TO INSURE THAT TRAINEES ARE EMPLOYED IN THE SKILL FOR WHICH TRAINED FOR A PERIOD RANGING FROM TWO TO THREE YEARS IMMEDIATELY FOLLOWING THEIR TRAINING. UNDER NORMAL CIRCUMSTANCES, THE OBSERVATION AND REVIEW REQUIREMENT MAY BE SATISFIED BY THE PREPARATION OF PERIODIC REPORTS BY THE APPROPRIATE OFFICE IN THE ARMED FORCES OF VENEZUELA. IN ADDITION, PERSONNEL ASSIGNED TO THE UNITED STATES MILITARY MISSIONS IN VENEZUELA ROUTINELY, AND AS AN INTEGRAL PART OF THEIR COOPERATION WITH THE ARMED FORCES OF VENEZUELA, OBSERVE THE IMPLEMENTATION OF TRAINING AND DEFENSE SERVICES AFTER CONSULTATION WITH THE APPROPRIATE OFFICIALS OF THE ARMED FORCES OF VENEZUELA. IN PRACTICE, THE ASSURANCES WITH RESPECT TO "OBSERVATION AND REVIEW" MAY BE FULFILLED BY INFORMATION FURNISHED BY VENEZUELAN OFFICIALS AND BY ROUTINE OBSERVATION BY MILITARY MISSION PERSONNEL UNDERTAKEN IN COORDINATION WITH OFFICIALS OF THE ARMED FORCES OF VENEZUELA. THE GOV RETAINS THE RIGHT TO DEFINE THE TERM "CONTINUOUS OBSERVATION AND REVIEW" IN A MANNER ACCEPTABLE TO IT. IN THE EVENT THE USG AND GOV DISAGREED OVER THE INTERPRETATION, THE USG WOULD HAVE THE OPTION OF REFUSING TO PROVIDE FURTHER TRAINING OR SERVICES UNDER THE AGREEMENT AND THE GOV WOULD HAVE THE LIMITED OFFICIAL USE

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OPTION OF REFUSING TO ACCEPT ANY FURTHER TRAINING OR SERVICES. FINALLY, THE EXCHANGE OF NOTES DOES NOT RPT NOT GRANT THE USG THE AUTHORITY TO ENFORCE THESE PROVISIONS IN DEROGATION OF VENEZUELAN SOVEREIGNTY; THE ONLY RECOURSE AVAILABLE WOULD BE THE RIGHT OF THE USG TO REFUSE TO PROVIDE ANY FURTHER TRAINING OR SERVICES. UNQUOTE.

3. IF EMBASSY DESIRES, FOREGOING MAY BE GIVEN TO THE GOV

IN THE FORM OF AN AIDE-MEMOIRE. FYI. STATEMENT ALONG  
THESE LINES HAS BEEN SUCCESSFUL IN OVERCOMING INITIAL  
RELUCTANCE TO ACCEPT "OBSERVATION AND REVIEW" REQUIRE-  
MENTS ELSEWHERE.END FYI. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** MILITARY ASSISTANCE, MILITARY TRAINING, AMENDMENTS, FOREIGN ASSISTANCE LAW  
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**Draft Date:** 10 SEP 1976  
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**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** KelleyW0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
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